

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

ISHMAEL TERRY,	:	CIVIL ACTION
	:	NO. 13-3425
Petitioner,	:	
	:	
v.	:	
	:	
WARDEN DALE MEISEL, et al.,	:	
	:	
Respondents.	:	

O R D E R

AND NOW, this **7th** day of **November, 2013**, upon careful and independent consideration of the petition for Writ of Habeas Corpus, and after review of the Report and Recommendation of Chief U.S. Magistrate Judge Carol Sandra Moore Wells, it is hereby **ORDERED** as follows:

1. The Report and Recommendation is **APPROVED** and **ADOPTED** without objection;
2. The Petition for Writ of Habeas Corpus, pursuant to 28 U.S.C. § 2254, is **DISMISSED without prejudice** for lack of exhaustion;
3. A Certificate of Appealability will not issue;¹ and

¹ A prisoner seeking a certificate of appealability must demonstrate "a substantial showing of the denial of a constitutional right." 28 U.S.C. § 2253(c)(2). "A petitioner satisfies this standard by demonstrating that jurists of reason could disagree with the district court's resolution of his constitutional claims or that jurists could conclude the issues

4. The Clerk of Court shall mark this case closed for statistical purposes.

AND IT IS SO ORDERED.

/s/ Eduardo C. Robreno
EDUARDO C. ROBRENO, J.

presented are adequate to deserve encouragement to proceed further.” Miller-El v. Cockrell, 537 U.S. 322, 327 (2003). No basis for a certificate of appealability exists in this case, as the petitioner is unable to meet this standard.